

**Minutes
URBAN COUNTY PLANNING COMMISSION
SUBDIVISION ITEMS**

January 13, 2011

- I. CALL TO ORDER** - The meeting was called to order at 1:31 p.m. in the Council Chambers, Urban County Government Building, 200 East Main Street, Lexington, Kentucky.

Planning Commission Members Present – Carolyn Richardson, Chair; Lynn Roche-Phillips (arrived at 1:47 PM); Marie Copeland; Ed Holmes; Mike Owens; William Wilson; Eunice Beatty; Carla Blanton; Patrick Brewer and Derek Paulsen. Mike Cravens was absent.

Planning Staff Present – Chris King, Bill Sallee, Barbara Rackers, Tom Martin, Chris Taylor, Cheryl Gallt and Denice Bullock. Other staff members in attendance were: Hillard Newman, Division of Engineering; Captain Charles Bowen and Firefighter Allen Case, Division of Fire & Emergency Services; Rochelle Boland, Department of Law; Bob Carpenter, Division of Building Inspection and Tim Queary, Urban Forester.

- II. APPROVAL OF MINUTES** – The Chair noted that there were no prior Planning Commission meeting minutes to be considered at this time.

- III. POSTPONEMENTS OR WITHDRAWALS** – Requests for postponement and withdrawal will be considered at this time.

- a. PLAN 2010-131P: HILLENMEYER PROPERTY & DWS PROPERTY (A PORTION OF) (AMD) (1/29/11)* - located at 2801 Sandersville Road, 803 Greendale Road and 2551 Leestown Road. (Council District 2) **(EA Partners)**

Representation – Rory Kahly, EA Partners, was present representing the applicant, and requested postponement of PLAN 2010-131P to the February 10, 2011, Planning Commission meeting.

Audience Comment – The Chair asked if anyone in the audience wished to discuss this request for postponement. There was no response.

Action - A motion was made by Mr. Wilson, seconded by Mr. Brewer, and carried 9-0 (Roche-Phillips and Cravens absent) to postpone PLAN 2010-131P to the February 10, 2011, Planning Commission meeting.

- b. PLAN 2010-129F: SUNNY SLOPE FARM, UNIT 3-C, SECTION 2, LOTS 102 & 103 (AMD) (1/20/11)* - located on Silverbell Trace. (Council District 9) **(EA Partners)**

Representation – Rory Kahly, EA Partners, was present representing the applicant, and requested postponement of PLAN 2010-129F to the February 10, 2011, Planning Commission meeting.

Audience Comment – The Chair asked if anyone in the audience wished to discuss this request for postponement. There was no response.

Action - A motion was made by Ms. Beatty, seconded by Mr. Owens, and carried 9-0 (Roche-Phillips and Cravens absent) to postpone PLAN 2010-129F to the February 10, 2011, Planning Commission meeting.

- c. DP 2010-69: SUNNY SLOPE FARM, UNIT 3, LOTS 102-106 (1/20/11)* - located on Silverbell Trace. (Council District 9) **(EA Partners)**

Representation – Rory Kahly, EA Partners, was present representing the applicant, and requested postponement of DP 2010-69 to the February 10, 2011, Planning Commission meeting.

Audience Comment – The Chair asked if anyone in the audience wished to discuss this request for postponement. There was no response.

Action - A motion was made by Mr. Holmes, seconded by Mr. Wilson, and carried 9-0 (Roche-Phillips and Cravens absent) to postpone DP 2010-69 to the February 10, 2011, Planning Commission meeting.

- d. DP 2006-65: BLACKFORD PROPERTY, PHASES 1 & 2 (AMD.) (1/13/11)* – located at 6600 Man O' War Boulevard (a portion of). (Council District 12) **(EA Partners)**

Representation – Rory Kahly, EA Partners, was present representing the applicant, and requested postponement of DP 2006-65 to the March 10, 2011, Planning Commission meeting.

Audience Comment – The Chair asked if anyone in the audience wished to discuss this request for postponement. There was no response.

* - Denotes date by which Commission must either approve or disapprove plan.

Action - A motion was made by Mr. Owens, seconded by Ms. Beatty, and carried 9-0 (Roche-Phillips and Cravens absent) to postpone DP 2006-65 to the March 10, 2011, Planning Commission meeting.

IV. LAND SUBDIVISION ITEMS - The Subdivision Committee met on Thursday, January 6, 2011, at 8:30 a.m. The meeting was attended by Commission members: Mike Cravens, Mike Owens, Marie Copeland and Derek Paulsen. Committee members in attendance were: Hillard Newman, Division of Engineering; and Jim Gallimore and Jeff Neal, Division of Traffic Engineering. Staff members in attendance were: Bill Sallee, Tom Martin, Cheryl Galt, Chris Taylor, Barbara Rackers, Traci Wade and Denise Bullock, as well as Captain Charles Bowen and Firefighter Allen Case, Division of Fire & Emergency Services; Rochelle Boland, Law Department and Bob Carpenter, Division of Building Inspection. The Committee made recommendations on plans as noted.

General Notes

The following automatically apply to all plans listed on this agenda unless a waiver of any specific section is granted by the Planning Commission.

- 1. All preliminary and final subdivision plans are required to conform to the provisions of Article 5 of the Land Subdivision Regulations.*
- 2. All development plans are required to conform to the provisions of Article 21 of the Zoning Ordinance.*

A. CONSENT AGENDA - NO DISCUSSION ITEMS – Following requests for postponement or withdrawal, items requiring no discussion will be considered.

- Criteria:**
- (1) the Subdivision Committee recommendation is for approval, as listed on this agenda; and
 - (2) the Petitioner is in agreement with the Subdivision Committee recommendation and the conditions listed on the agenda; and
 - (3) no discussion of the item is desired by the Commission; and
 - (4) no person present at this meeting objects to the Commission acting on the matter without discussion; and
 - (5) the matter does not involve a waiver of the Land Subdivision Regulations.

Requests can be made to remove items from the Consent Agenda:

- (1) due to prior postponements and withdrawals,
- (2) from the Planning Commission,
- (3) from the audience, and
- (4) from Petitioners and their representatives.

At this time, The Chair requested that the Consent Agenda items be reviewed. Mr. Sallee identified the following items appearing on the Consent Agenda, and oriented the Commission to the location of these items on the regular Meeting Agenda. He noted that the Subdivision Committee had recommended conditional approval of all of these items. (A copy of the Consent Agenda is attached as an appendix to these minutes).

1. PLAN 2011-1F: MAHAN PROPERTY, UNIT 1-D (2/27/11)* - located at 4127 Victoria Way.
(Council District 9)

(EA Partners)

The Subdivision Committee Recommended: **Approval**, subject to the following requirements:

1. Urban County Engineer's acceptance of drainage, storm and sanitary sewers.
2. Urban County Traffic Engineer's approval of street cross-sections and access.
3. Building Inspection's approval of landscaping and required street tree information.
4. Addressing Office's approval of street names and addresses.
5. Urban Forester's approval of tree protection area(s).
6. Addition of utility and street light easement(s) as required by the utility companies and the Urban County Traffic Engineer.
7. Denote the location and number of trees to be planted in order to meet the tree canopy requirements.
8. Addition of existing 10' utility easement on Lot 47.
9. Delete development plan reference on adjacent property (DP 2009-65).

2. PLAN 2011-2F: MAHAN PROPERTY, UNIT 1-E (2/27/11)* - located at 4127 Victoria Way.
(Council District 9)

(EA Partners)

The Subdivision Committee Recommended: **Approval**, subject to the following requirements:

1. Urban County Engineer's acceptance of drainage, storm and sanitary sewers.
2. Urban County Traffic Engineer's approval of street cross-sections and access.
3. Building Inspection's approval of landscaping and required street tree information.
4. Addressing Office's approval of street names and addresses.
5. Urban Forester's approval of tree protection area(s).
6. Bike & Pedestrian Planner's approval of bike trails and pedestrian facilities.
7. Greenspace Planner's approval of the treatment of greenways and greenspace.
8. Addition of utility and street light easement(s) as required by the utility companies and the Urban County Traffic Engineer.
9. Denote the location and number of trees to be planted in order to meet the tree canopy requirements.

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3. PLAN 2011-3F: MAHAN PROPERTY, UNIT 1-F (2/27/11)* - located at 4127 Victoria Way.
(Council District 9)

(EA Partners)

The Subdivision Committee Recommended: **Approval**, subject to the following requirements:

1. Urban County Engineer's acceptance of drainage, storm and sanitary sewers.
2. Urban County Traffic Engineer's approval of street cross-sections and access.
3. Building Inspection's approval of landscaping and required street tree information.
4. Addressing Office's approval of street names and addresses.
5. Urban Forester's approval of tree protection area(s).
6. Bike & Pedestrian Planner's approval of bike trails and pedestrian facilities.
7. Greenspace Planner's approval of the treatment of greenways and greenspace.
8. Addition of utility and street light easement(s) as required by the utility companies and the Urban County Traffic Engineer.
9. Denote the location and number of trees to be planted in order to meet the tree canopy requirements.

4. PLAN 2011-4F: MAHAN PROPERTY, UNIT 1-G (2/27/11)* - located at 4127 Victoria Way.
(Council District 9)

(EA Partners)

The Subdivision Committee Recommended: **Approval**, subject to the following requirements:

1. Urban County Engineer's acceptance of drainage, storm and sanitary sewers.
2. Urban County Traffic Engineer's approval of street cross-sections and access.
3. Building Inspection's approval of landscaping and required street tree information.
4. Addressing Office's approval of street names and addresses.
5. Urban Forester's approval of tree protection area(s).
6. Addition of utility and street light easement(s) as required by the utility companies and the Urban County Traffic Engineer.
7. Identify property lines in adjacent Pickway Subdivision (in dashed lines).
8. Denote the location and number of trees to be planted in order to meet the tree canopy requirements.
9. Delete development plan reference on adjacent property (DP 2009-65).

5. PLAN 2011-6F: JIMMY D. & BETTY S. WILLIAMSON PROPERTY & NEAL PLUMBING & HEATING CO., INC. PROP. (2/27/11)* - located at 1220 and 1250 Higbee Mill Road. (Council District 9)

(Horne Engineering)

The Subdivision Committee Recommended: **Approval**, subject to the following requirements:

1. Urban County Engineer's acceptance of drainage, storm sewer and sanitary sewers.
2. Urban County Traffic Engineer's approval of street cross-sections and access.
3. Building Inspection's approval of landscaping and required street tree information.
4. Addressing Office's approval of street names and addresses.
5. Addition of utility and street light easement(s) as required by the utility companies and the Urban County Traffic Engineer.
6. Denote lot lines as solid lines.
7. Resolve access to Lot 1.
8. Clarify vicinity map.

6. DP 2011-1: HILLENMEYER PROPERTY (AMD) (2/27/11)* - located at 2801 Sandersville Road (a portion of).
(Council District 2)

(EA Partners)

Note: The purpose of this amendment is to add 55 townhome units and revise the single family lots.

The Subdivision Committee Recommended: **Approval**, subject to the following requirements:

1. Urban County Engineer's acceptance of drainage, storm and sanitary sewers.
2. Urban County Traffic Engineer's approval of street cross-sections and access.
3. Building Inspection's approval of landscaping and landscape buffers.
4. Addressing Office's approval of street names and addresses.
5. Urban Forester's approval of tree protection plan.
6. Department of Environmental Quality's approval of environmentally sensitive areas.
7. Bike and Pedestrian Planner's approval of bike trails and pedestrian facilities.
8. Division of Fire's approval of emergency access and fire hydrant locations.
9. Division of Waste Management's approval of refuse collection.
10. Denote tree protection areas.
11. Addition of "Area B" information from previous plan.
12. Addition of planting plan information from previous plan.
13. Denote existing and proposed easements.
14. Denote the height of the townhouses.
15. Completion of metes and bounds information for townhouse area (Final Development Plan).
16. Addition of notes 6, 7, 10-15, 17, 18, 20-22, 24 & 25 from previous plan.
17. Modify the plan limits to eliminate area to the east of the Citation Boulevard right-of-way.

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18. Revise the plan title (Hillenmeyer Property – West).
19. Denote: 2602 Mable Lane is not part of this development.
20. Resolve the timing of access easement releases and issuance of building permits.

In conclusion, Mr. Sallee said that the items listed on the Consent Agenda could be considered for conditional approval at this time by the Commission, unless there was a request for an item to be removed from consideration for discussion by a member of the Commission or the audience.

Planning Commission Comments – The Chair asked if anyone in the audience or on the Commission wished to discuss any of the items listed on the Consent Agenda. There was no response.

Action - A motion was made by Mr. Owens, seconded by Mr. Paulsen and carried 9-0 (Roche-Phillips and Cravens absent) to approve the items listed on the Consent Agenda.

- B. DISCUSSION ITEMS** – Following requests for postponement, withdrawal and no discussion items, the remaining items will be considered.

The procedure for consideration of these remaining plans is as follows:

- Staff Report(s)
- Petitioner's Report(s)
- Citizen Comments – (a) in support of the request, and (b) in opposition to the request
- Rebuttal – (a) petitioner's comments, (b) citizen comments, and (c) staff comments
- Commission discusses and/or votes on the plan

1. FINAL SUBDIVISION PLANS

- a. PLAN 2011-5F: MASTERSON STATION, CITATION VILLAGE, PHASE II (2/27/11)* - located at 2601 and 2679 Leestown Road. (Council District 2) **(Hall-Harmon)**

The Subdivision Committee Recommended: **Approval**, subject to the following requirements:

1. Urban County Engineer's acceptance of drainage, storm and sanitary sewers and floodplain information.
2. Urban County Traffic Engineer's approval of street cross-sections and access.
3. Building Inspection's approval of landscaping and required street tree information.
4. Addressing Office's approval of street names and addresses.
5. Urban Forester's approval of tree protection area(s).
6. Department of Environmental Quality's approval of environmentally sensitive areas.
7. Addition of utility and street light easement(s) as required by the utility companies and the Urban County Traffic Engineer.
8. Greenspace Planner's approval of the treatment of greenways and greenspace.
9. Denote stormwater easement and associated benchmark per plat N-32.
10. Denote source of floodplain information (note #7).
11. Addition of maintenance note per Article 5-4(g) of the Land Subdivision Regulations.
12. Addition of note for location of stone wall.
13. Discuss Leestown Road right-of-way limits.
14. Discuss temporary construction easement(s) shown.

Staff Presentation – Mr. Taylor directed the Commission's attention to a rendering of the Final Record Plat for Masterson Station/Citation Village, Phase II, which is located at 2601 and 2679 Leestown Road. He oriented the Commission to the surrounding street system, and said that the subject property is located on Leestown Road near the intersections of the future Citation Boulevard right-of-way and Robinson Way. He indicated that Mercer Road is located toward the rear of the site.

Mr. Taylor noted that the subject property is zoned B-3, and said that the purpose of this request is to subdivide one lot into five lots, four of which will be outlots. He then said that this request will also create an access easement (Abigail Way) that will serve the four outlots fronting on Leestown Road.

Mr. Taylor said that the Subdivision Committee recommended approval of this request at their meeting last week, subject to the conditions listed on the agenda. He then said that since the Subdivision Committee meeting, the applicant had submitted revised information to the staff, which addressed conditions #13 and #14. He indicated that condition #13 referenced the Leestown Road right-of-way limits and the small portion of Leestown Road that has not been dedicated. Mr. Taylor said that the staff had reviewed a proposed Public Acquisition plat for the portion of Citation Boulevard that runs along side the subject property. The concern with the staff was the remaining right-of-way on Leestown Road that has not been dedicated. He noted that the submitted Public Acquisition plat to the Division of Engineering for the remaining right-of-way on Leestown Road; and with that submission, the staff believed condition #13 could be deleted.

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Mr. Taylor said that condition #14 references the temporary construction easements that were being shown on the plat. As part of the State of Kentucky's purchase of the right-of-way of Leestown Road and the improvements to it, there are two easements at the far end of the property. He said that one of the easements is being used for the infrastructure connection into the storm sewer system and the other easement is being used as a temporary construction easement path for the construction of Citation Boulevard. He then said that the applicant has added a detailed note on the plat stating that once these improvements are completed, the two easements will be removed from the property.

In conclusion, Mr. Taylor said that, with the revised submission, the staff believed conditions #13 and #14 could be deleted.

Representation – Larry Harmon, Hall-Harmon, stated that he was in agreement with the staff's recommendations, and requested approval of PLAN 2011-5F.

Audience Comment – The Chair asked if anyone in the audience wished to discuss this request. There was no response.

Commission Comments – Ms. Copeland thanked the staff for their presentation and the graphics shown.

Action - A motion was made by Ms. Copeland, seconded by Mr. Brewer, and carried 9-0 (Roche-Phillips and Cravens absent) to approve PLAN 2011-5F, subject to the conditions listed on the agenda, deleting conditions #13 and #14.

- b. PLAN 2005-277F: GESS PROPERTY UNIT 4-G (4/7/11)* - located on portions of 4040 and 4044 Todds Road (off of Jouett Creek Drive). (Council District 7) **(EA Partners)**

Note: The Planning Commission originally approved this plan on October 13, 2005, and reapproved it on February 8, 2007, March 13, 2008, and February 10, 2009, subject to the following conditions:

1. Urban County Engineer's acceptance of drainage, storm and sanitary sewers, and floodplain information.
2. Urban County Traffic Engineer's approval of street cross-sections and access.
3. Building Inspection's approval of landscaping and required street tree information.
4. Addition of utility and street light easements as required by the utility companies and the Urban County Traffic Engineer.
5. Approval of street addresses by e911 staff.
6. Urban Forester's approval of tree preservation plan.
7. Greenspace Planner's approval of the treatment of greenways/bike trails.
8. Addition of exaction information.
9. Show 30' access easement as per PC "L" SLD "361".

Note: The applicant now requests another reapproval of this plat.

The Staff Recommends: Reapproval, subject to the previous conditions.

Staff Presentation – Mr. Martin directed the Commission's attention to a rendering of the Final Record Plat for Gess Property, Unit 4-G, which is located at 4040 and 4044 Todds Road. He oriented the Commission to the surrounding area and street network, and said that Unit 4-G is part of the greenway system for the Gess Property and it backs up to Interstate 75. He pointed out the different locations of several of the Gess Property Units, and gave a brief description to the types of uses that were approved by the Commission. Mr. Martin then indicated the locations of Chilesburg Road, Hays Boulevard and Jouett Creek Drive on the plan.

Mr. Martin said that the Planning Commission originally approved this request at their October 13, 2005, meeting. Since that time, this plat has been reapproved multiple times, subject to the nine conditions listed on the agenda. However, at the December 10, 2009, meeting, the Planning Commission added a 10th condition (Denote: No dwelling units are to be located on the property), which was mistakenly left off today.

In conclusion, Mr. Martin said that the staff had spoken with Ms. Deitz, the Greenspace Planner; and, at this time, there are no remaining issues associated with this plat. He then said that the staff is recommending reapproval of this plat, subject to the 10 conditions, as listed in the December 10, 2009, minutes.

Commission Questions – Ms. Copeland asked if the greenway has the correct setbacks and pedestrian access near the residential area. Mr. Martin said that, for this particular situation, there are no pedestrian access points on the already platted residential properties; and as for the access points, those will connect to existing right-of-way.

Representation – Rory Kahly, EA Partners, stated that he is in agreement with the staff's recommendations, and requested reapproval of PLAN 2005-277F.

Audience Comment – The Chair asked if anyone in the audience wished to discuss this request. There was no response.

* - Denotes date by which Commission must either approve or disapprove plan.

Action - A motion was made by Ms. Copeland, seconded by Mr. Brewer, and carried 9-0 (Roche-Phillips and Cravens absent) to approve PLAN 2005-277F, subject to the 10 conditions, as noted by the staff.

Note: Ms. Roche-Phillips arrived at this time.

- C. PERFORMANCE BONDS AND LETTERS OF CREDIT** – Any bonds or letters of credit requiring Commission action will be considered at this time. The Division of Engineering will report at the meeting.

Action - A motion was made by Ms. Roche-Phillips, seconded by Mr. Holmes, and carried 10-0 (Cravens absent) to approve the release and call of bonds as detailed in the memorandum dated January 13, 2011, from Ron St. Clair, Division of Engineering.

- V. COMMISSION ITEMS** - The Chair will announce that any item a Commission member would like to present will be heard at this time.

- A. ELECTION OF OFFICERS** – The Commission's By-laws state that at the first regular meeting in January, the Commission shall elect a Chairperson, Vice-Chairperson, Secretary, and Parliamentarian. The nominating committee will present its slate for consideration by the Planning Commission. Nominations may also be made from the floor. The current officers are as follows:

Chairperson	-	Carolyn Richardson
Vice Chairperson	-	Mike Cravens
Secretary	-	Mike Owens
Parliamentarian	-	Ed Holmes

Nominating Committee Report – Mr. Owens stated that the nominating committee recommended the following slate of Planning Commission Officers for 2011:

2011 Officer Slate:

Chairperson	-	Carolyn Richardson
Vice Chairperson	-	Mike Cravens
Secretary	-	Mike Owens
Parliamentarian	-	Ed Holmes

Other Nominations – Mr. Owens asked if there were any other nominations from the Commission. There were no other nominations from the floor.

Action - A motion was made by Mr. Wilson, seconded by Ms. Beatty and carried 10-0 (Cravens absent) to close nominations for the 2011 Officer.

Action - A motion was made by Ms. Beatty, seconded by Mr. Paulsen and carried 10-0 (Cravens absent) to approve the Planning Commission's Slate of Officers, as presented.

- B. DELEGATION OF SECRETARY'S DUTIES** – The Commission's past procedure for carrying out the Secretary's duties, except for signing minutes, has been to delegate that authority to the Director of the Division of Planning and his staff. The Chair will request that the Commission consider taking action on this matter.

Planning Commission Comments – The Chair stated that, in the past, the Planning Commission has delegated the secretary's duties to the Director of the Division of Planning and his staff, for signing of development plans and such. She requested that the Commission consider taking action on this matter.

Action - A motion was made by Ms. Roche-Phillips, seconded by Mr. Brewer and carried 10-0 (Cravens absent) to delegate the Secretary's duties to the Director of the Division of Planning and his staff, with the exception of signing the minutes.

- VI. STAFF ITEMS** – The Chair asked if there were any Staff items to bring forward to discuss at this time.

- A. UPCOMING WORK SESSION** – Mr. King reminded the Commission members of the upcoming work session scheduled for January 17, 2011. He said that the staff will present information regarding the Consent Decree, particularly the role of the Capacity Assurance Program for the Division of Sanitary Sewers. He then said that the staff will also present information regarding the upcoming Comprehensive Plan, as well as other future items.
- B. HOUSE BILL 55 TRAINING OPPORTUNITY** - There will be an APA audio conference on Wednesday, January 19, 2011 from 4:00 until 5:30 in the Division of Planning Conference Room on the 7th floor of the Phoenix Building. The title of this training session is "Retrofitting Corridors" and will count toward 1.5 hours of training credit.

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Ms. Rackers asked any Commission members to let her know of their intent to attend the audio conference by Tuesday afternoon.

VII. **AUDIENCE ITEMS** – The Chair asked if there were any audience items to bring forward to discuss at this time. There was no response.

VIII. **NEXT MEETING DATES** -

Technical Committee, Wednesday, 8:30 a.m., Planning Division Office (Phoenix Building)	January 26, 2011
Zoning Items Public Hearing , Thursday, 1:30 p.m., 2 nd Floor Council Chambers	January 27, 2011
Subdivision Committee, Thursday, 8:30 a.m., Planning Division Office (Phoenix Building)	February 3, 2011
Zoning Committee, Thursday, 1:30 p.m., Planning Division Office (Phoenix Building)	February 3, 2011
Subdivision Items Public Meeting , Thursday, 1:30 p.m., 2 nd Floor Council Chambers	February 10, 2011
Zoning Items Public Hearing , Thursday, 1:30 p.m., 2 nd Floor Council Chambers	February 24, 2011

IX. **ADJOURNMENT** - There being no further business, a motion was made to adjourn the meeting at 1:54 PM.

Carolyn Richardson, Chair

Mike Owens, Secretary

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